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Promotion and protection of human rights

Letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

Referring to the note verbale dated 11 April 2008 regarding preparation of the report to the General Assembly at its sixty-third session on the implementation of Assembly resolution 61/144 on trafficking in women and girls, I have the honour to transmit herewith information on measures taken in Uzbekistan since December 2006 to combat trafficking in women (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 70.

(*Signed*) Gulzara **Tuyunbayeva**
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Annex to the letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information on measures taken to combat trafficking in women in Uzbekistan since December 2006

1. International instruments, legislation and the justice system

1.1. The Constitution of the Republic of Uzbekistan guarantees equality between men and women for the enjoyment of fundamental human rights and freedoms, including the right to security of person, liberty and freedom of movement.

1.2. Uzbekistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1995. The Republic has gradually acceded to all of the major international treaties on women's rights, including the Convention on the Political Rights of Women, the Convention concerning Maternity Protection (Convention No. 103), the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100).

1.3. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, was signed by the Republic of Uzbekistan on 28 June 2001. The ratification of this Protocol is under consideration in accordance with paragraph 5.3, part III, of Annex No. 5 to Presidential Decree No. 24 of 10 March 2005 on the programme to implement goals and targets for democratization and renewal and for reform and modernization of the country.

1.4. The feasibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been referred to the Ministry of Labour and Social Protection for its consideration.

1.5. The Criminal Code of the Republic of Uzbekistan criminalizes acts in any way connected with trafficking in persons:

> Article 117. Failure to assist persons in danger shall be punishable by deprivation of liberty for up to five years.
>
> Article 131. The operation of brothels or procurement shall be punishable by deprivation of liberty for up to five years. (Engaging in prostitution is an administrative offence and is punishable by a fine.)
>
> Article 133. The removal of organs or tissue from a deceased person shall be punishable by deprivation of liberty for up to five years.
>
> Article 135. The deceitful recruitment of persons for sexual or other exploitation shall be punishable by deprivation of liberty for up to eight years.
>
> Article 137. Abduction of a person shall be punishable by deprivation of liberty for up to 15 years.

Article 138. Unlawful deprivation of liberty by force shall be punishable by deprivation of liberty for up to five years.

Article 223. Illegal departure from or entry into the Republic of Uzbekistan shall be punishable by deprivation of liberty for up to 10 years.

1.6. The Act of the Republic of Uzbekistan on the prevention of trafficking in persons was adopted on 17 April 2008 and has entered into force.

1.7. The Republic of Uzbekistan's migration legislation is in its formative stages and at present migration processes are mainly regulated by secondary legislation of the Government.

2. National action plans, strategies and national coordination mechanisms

2.1. In December 2007, the National Plan of Action for fulfilling the recommendations of the Committee on the Elimination of Discrimination against Women was adopted following consideration of the periodic reports of the Republic of Uzbekistan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The National Plan of Action contains the following provisions to prevent trafficking in persons:

"8.1. To consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which it signed in 2001.

8.2. To prepare information on legislation to combat all forms of trafficking in persons, including women and girls, on penalties for the perpetrators of such acts and on the provision of assistance to victims.

8.3. To establish rehabilitation and social integration centres for victims of exploitation and trafficking in persons.

8.4. To hold conferences on the prevention of trafficking in persons, including women.

8.5. To improve measures for the provision of support and material assistance to economically vulnerable families.

8.6. To provide sponsorship for weddings and to improve the living conditions of young families from disadvantaged groups.

8.7. To raise public awareness about the spiritual and moral education of the younger generation and the improvement of the moral climate in families.

9.1. To carry out sociological research on the situation of women in the informal labour market.

9.2. To prepare information on the observance of gender equality in the formal labour market.

10.1. To monitor the situation of rural women and to develop proposals to improve legal mechanisms for the protection of their rights.

10.2. To prepare analytical information, including statistical data, on women who own land, and on efforts by the Republic of Uzbekistan to increase this percentage."

2.2. Trafficking in women is seen as a problem in terms of:

- Organized crime (see paragraphs 1.5 and 1.6)
- Migration (see paragraphs 1.7 and 4)
- Labour (see paragraphs 4 and 7)
- Morality (see paragraph 6)

3. Bilateral, regional and international agreements and cooperation

3.1. See paragraphs 1.2-1.4.

3.2. Uzbekistan also cooperates with the international community on human trafficking issues on the basis of other international, bilateral and multilateral treaties on judicial assistance and extradition, and on the basis of the national legislation of Uzbekistan.

3.3. The Government and the United Nations Development Programme (UNDP) are carrying out a joint project on the labour migration of women. The project aims to help raise the awareness of the general public and the State authorities about how to effectively address the challenges posed by female labour migration.

4. Prevention measures

4.1. Acts involving trafficking in persons are subject to criminal prosecution (see paragraphs 1.5 and 1.6). The investigative units of the internal affairs agencies conduct inquiries and carry out investigations into the operation of brothels and procurement, the recruitment of persons for exploitation and related matters.

4.2. Trafficking in persons cannot be prevented without effective measures which ensure the right to work. The Labour Code protects the right of women to work. Moreover, it establishes more favourable treatment for women (positive discrimination) with regard to job recruitment and dismissal, pregnancy and breastfeeding. The knowingly unlawful refusal to hire a woman or the dismissal of a woman on the grounds of pregnancy or childcare imposes criminal liability upon officials who have the right to hire labour (see article 148 of the Criminal Code) (see also paragraph 7).

4.3. A whole range of both external and internal migration problems needs to be addressed in order to integrate the Republic of Uzbekistan into the world community, to develop its market economy and to increase the socio-economic activities of its population. Migration legislation is in its formative stages (see paragraph 1.7). However, mass population displacements, unless properly regulated, can pose a serious threat to human rights and national security, including by creating fertile ground for trafficking in persons.

4.4. The Agency on questions of external labour migration places Uzbek citizens in jobs abroad on the basis of intergovernmental and interdepartmental agreements, which are concluded between State authorities (governments, sectoral ministries, departments, etc.), including through cooperation programmes, knowledge exchange, further education and training.

4.4. The Business Women's Association of Uzbekistan, Tadbirkor ayol, is running a series of training courses, including "How to launch one's own business", "How to

devise a business plan", "The fundamentals of marketing", "Woman and society", "Small and medium-sized business" and "Women and their rights", aimed at developing female entrepreneurship. In 2006, over 7,500 women enrolled in the courses, as a result of which over 1,000 women launched their own business. More than 400 women received training aimed at developing local handicrafts and cottage industries.

5. Services for victims

5.1. There is no specialized service as such to deal with the victims of trafficking separately. Victims usually receive general rehabilitation treatment.

5.2. Victims of trafficking in persons may report the commission of an offence to the internal affairs agencies for the area where the offence was committed. The rights of the complainant are regulated by the Republic of Uzbekistan Act on citizens' recourse, which also establishes the complaints procedure. The right of access to the courts for protection is provided for by the Constitution of the Republic of Uzbekistan and by the Courts Act. The issue of possible compensation for the harm caused to victims of trafficking in persons is addressed in the course of court proceedings through the filing of civil claims for damages.

6. Awareness-raising and capacity-building

6.1. In recent times, State television and radio have often dealt with the issue of trafficking, warning citizens about the dangers associated with departure, stay and employment abroad. Cases of former trafficking victims are used to clearly demonstrate the possible consequences.

6.2. The internal affairs agencies regularly carry out special integrated preventive measures, referred to by the name "Oriyat". Large-scale preventive outreach work is being organized and activities are being carried out to increase the public's legal knowledge about the penalties for these types of offences.

6.3. Women's non-governmental agencies (NGOs) are working to provide legal education and to prevent trafficking in persons.

7. The role of the business sector and media providers

7.1. In 2007, around 46 per cent of women were employed in various sectors of the economy. Around 4 million women are employed in the Republic of Uzbekistan; their employment rate is 15.8 per cent lower than that for men. The number of women entrepreneurs obtaining credit rose from 2 per cent in 1991 to 25 per cent in 2007. Every year in Uzbekistan, around 400,000 new jobs become available, with over 40 per cent being assigned to women.

7.2. See paragraph 6.1 concerning the role of media providers.

8. Data collection and research

8.1. Data on trafficking in persons is collected by the Republic's law enforcement agencies, particularly the internal affairs agencies. NGOs, particularly women's NGOs, are often actively engaged in carrying out various studies on this topic.